

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Summary Agenda/Minutes

April 22, 2014

7:00 P.M.

Call to Order – **Council Vice President Gonzalez called the meeting to order at 7:01 p.m.**

Roll Call-

- **Council Members Present:**
 - Councilwoman Vivian Casals Munoz
 - Councilwoman Katharine Cue-Fuente
 - Council Vice President Luis Gonzalez
 - Councilman Paul Hernandez
 - Councilwoman Lourdes Lozano
- **Council Members Absent:**
 - Council President Isis Garcia-Martinez
 - Councilman Jose Caragol
- **Mayor Hernandez was not present at the meeting.**
- **Also present were:**
 - Lorena Bravo, Acting City Attorney
 - Carmen Hernandez, Acting Deputy City Clerk

Invocation given by Carmen Hernandez, Acting Deputy City Clerk

Pledge of Allegiance led by Councilwoman Lourdes Lozano

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.

- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

REPORT: The meeting guidelines were read into the record by the Acting Deputy City Clerk, and translated to Spanish by Maricarmen López, Administrative Aide in the Office of the City Clerk.

Presentations –

- Vice President Gonzalez proclaimed April as Fair Housing month with a proclamation issued by Mayor Hernandez.

The City of Hialeah commemorates and celebrates the 46th anniversary of the historic legislation known as the Fair Housing Act of 1968. The Fair Housing Act of 1968 has enhanced the lives of many families once discriminated against and has made strides in providing equal housing for all Americans. Fair Housing month strives to promote the increase of home ownership throughout the nation, and by increasing the supply of housing for minorities and disabled people, we can achieve to be a nation free of intolerance and poverty. The City of Hialeah confirms our commitment to ensure equal housing without emphasis on race or gender.

REPORT: Proclamation presented to Fred Marinelli, Director of Grants and Human Services Department.

- Vice President Gonzalez presented Florida City Gas with a proclamation issued by Mayor Hernandez, proclaiming April 20-26, 2014 as "Energy Conservation Week". Luis Bustos of Florida City Gas accepted the proclamation on behalf of the company.

REPORT: Marla Alpizar, Director of Communications and Special Events Department, participated in the presentation of the Proclamation presented to Florida City Gas.

- Councilman Paul Hernandez presented the Florida Department of Health with a proclamation issued by Mayor Hernandez proclaiming April 7-10, 2014 as Week of National Public Health.

REPORT: Proclamation presented to the Florida Department of Health representative who was present at the meeting.

1. Announcement of Amendments/Corrections to the Agenda – **Item J was added to the Agenda.**

2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Councilwoman Casáls-Muñoz requested to have items B and J removed from the Consent Agenda for separate discussion.

REPORT: Motion to Approve the Consent Agenda, except items B and J, made by Councilwoman Cue-Fuente, and seconded by Councilman Hernandez. MOTION PASSED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT.

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on April 8, 2014. (OFFICE OF THE CITY CLERK) **APPROVED (5-0-2) Council President Garcia-Martinez and Councilman Caragol ABSENT.**
- B. Proposed resolution to terminate the Interlocal Agreement with Hialeah Housing Authority to utilize the services of a Hialeah Police Detective to perform investigative and related services entered on March 11, 2014 pursuant to Hialeah, Fla. Resolution 2014-09 (January 15, 2014). (LAW DEPT.) **APPROVED (5-0-2) Council President Garcia-Martinez and Councilman Caragol ABSENT. RESOLUTION NO. 2014-53**

REPORT: Councilwoman Casáls-Muñoz inquired on this item, and Acting City Attorney Lorena Bravo provided clarification.

Motion to Approve Item B made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Cue-Fuente. MOTION PASSED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT.

- C. Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints, and issue a purchase order to Aaron Construction Group, Inc., to redo four (4) dugouts at Goodlet Park, which entail the footing excavation, slab on grade, forms work, rebars work, concrete finish, and replacement of eight (8) steel columns for each dugout and roof, in a total cumulative amount not to exceed \$55,400. (PARK AND RECREATION DEPT.) **APPROVED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT.**
- D. Request permission to waive competitive bidding, since it's advantageous to the City due to time constraints, and issue a purchase order to Hanover Specialties, Inc., to repair and replace all playground surface areas and resurface the existing rubber playground at

Veterans Park with 6,135 square feet of Vitriturf Rubber System, in a total cumulative amount not to exceed \$36,503. (PARK AND RECREATION DEPT.)

APPROVED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT.

- E. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to AGC Quality Construction Co., for area sidewalk restoration from West 8 Avenue to West 12 Avenue, from West 45 Street to West 48 Street, in a total cumulative amount not to exceed \$30,368.14. (STREETS DEPT.)

APPROVED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT.

- F. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to AGC Quality Construction Co., for area sidewalk restoration from West 8 Avenue to West 10 Avenue, from West 68 Street to West 72 Place, in a total cumulative amount not to exceed \$30,946.90. (STREETS DEPT.)

APPROVED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT.

- G. Proposed resolution approving the expenditure totaling an amount not to exceed \$2,521.08 from the Law Enforcement Trust Fund – *State*, to purchase three (3) computers and related accessories from Tech Depot and PCMG Inc., the lowest quoted vendors, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

APPROVED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT. RESOLUTION 2014-54

- H. Proposed resolution approving the expenditure totaling an amount not to exceed two thousand five hundred dollars (\$2,500.00) from the Law Enforcement Trust Fund – *State*, to purchase one (1) Steel Insulated Freight Container from Gold Coast Repairs, Inc., the lowest quoted vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

APPROVED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT. RESOLUTION NO. 2014-55

- I. Request permission to increase purchase order # 2014-884, since it advantageous to the City, issued to Lou's Police Distributors, Inc., for the replacement of uniforms damaged during police duties. (POLICE DEPT.)

APPROVED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT.

- J. Request permission to sell alcoholic beverages (beer and wine) during the Miami United F.C. Soccer Season, being held at Ted Hendricks Stadium, from May 4, 2014 to July 6, 2014. The Miami United F.C. has an agreement with the City for their upcoming season, and are responsible for the sales of the alcoholic beverages, in addition to arranging extra police security. (PARKS AND RECREATION DEPT.)

APPROVED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT.

REPORT: Councilwoman Casals-Munoz expressed her approval for this item. Roberto Sacca, of Miami United Soccer Club, thanked the City and invited all to the event.

Motion to Approve Item J made by Councilwoman Cue-Fuente, and seconded by Councilwoman Casáls-Muñoz. MOTION PASSED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT.

3. Board Appointments-

- a. Proposed resolution reappointing Christopher Zacarias as Special Master to conduct administrative hearings on code violations for the City of Hialeah, Florida, pursuant to the citation procedures set forth in Chapter 22, Article III, of the Hialeah Code, assume all powers authorized by Hialeah Code § 22-186(k), and serve a term commencing on May 31, 2014 and ending on May 31, 2015, at an hourly rate to be established by Administrative Order of the Mayor; and providing for an effective date. (OFFICE OF THE CITY CLERK) **APPROVED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT. RESOLUTION NO. 2014-56.**

Motion to Approve Item 3a made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Cue-Fuente. MOTION PASSED (5-0-2) Council VPresident Garcia-Martinez and Councilman Caragol ABSENT.

4. Unfinished Business - **None.**

5. New Business-

REPORT: Councilwoman Casáls-Muñoz invited all to La Liga Contra el Cancer fundraising event on Saturday April 26th, 2014 from 11 a.m. to 6 p.m. at West 16 Avenue and 49 Street, She also invited residents to the Professional Boxing Event at the Hialeah Casino on May 1st, 2014.

6. Comments and Questions- **None.**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

REPORT: All present were duly sworn in.

ZONING

- PZ 1. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a 15-foot two-way direction driveway on property zoned CR (Commercial-Residential District), contra to Hialeah Code §98-2188(a)b. **Property located at 275 East 9 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and

providing for an effective date. *Applicant: Ceasar Mestre* **APPROVED (5-0-2) Council President Garcia-Martinez and Councilman Caragol ABSENT. ORDINANCE NO. 2014-27.**

REPORT: Ceasar Mestre 7600 West 20 Avenue Suite 220, Hialeah, FL, commented on the item.

Motion to Remove from Table made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Cue-Fuente, MOTION PASSED (5-0-2) Council President Garcia-Martinez and Councilman Caragol ABSENT.

Motion to Approve item PZ 1 made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Cue-Fuente. MOTION PASSED (5-0-2) Council President Garcia-Martinez and Councilman Caragol ABSENT.

PZ 2. First reading of proposed ordinance granting a Special Use Permit (SUP) to allow the operation of a used cooking oil storage facility on property zoned M-1 (Industrial District) and granting a Variance Permit to allow 15 parking spaces, where 20 are required, and to allow all parking spaces to back out on to the street, where backout parking is only allowed in low density residential districts, contra to Hialeah Code §§ 98-2189(15) and 98-2190. **Property located at 720 West 26 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Viesel Fuel, LLC* **Item tabled on April 22, 2014 until May 13, 2014.**

REPORT: Alex Vilarelo and his client Michelle Nieber of Viesel Fuel, 3041 SE Dominica Terrace, Stuart, FL, addressed the Council on this item.

Motion Table item PZ 2 until May 13, 2014 made by Councilman Hernandez, and seconded by Councilwoman Casáls-Muñoz. MOTION PASSED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT.

PZ 3. Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, of the granting of a Variance Permit to allow 12 occupational licenses on property zoned RO (Residential Office District), where a maximum of 2 licenses are permitted. Property located at **215 West 49 Street, Hialeah, FL.** *Applicant: Tirso P. Martinez.* **Item tabled on April 22, 2014 until May 13, 2014**

REPORT: Tirso Martinez, 5729 NW 151 Street, FL addressed the Council on this item.

Motion to Table item PZ 3 until May 13, 2014 made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Cue-Fuente. MOTION PASSED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT.

PZ 4. Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, of the rezoning from R-1 (One Family District) to R-2 (One and Two Family Residential District) and the granting of a Variance Permit to allow a duplex on a substandard lot, having a frontage of 50' (75' required), total area of approximately

6,651.50 feet (7,000 square feet required); total lot coverage of 39% (30% maximum lot coverage allowed), rear setback of 21.7' (25' required) and south side setback of 4.5' (7.5' required). Property located at **4655 East 4 Avenue, Hialeah**. *Applicant: Edward Garcia and Nitza Garcia.* **Item tabled on April 22, 2014 until May 13, 2014**

REPORT: Applicant was not present.

Motion to Table item PZ 4 until May 13, 2014 made by Councilman Hernandez, and seconded by Councilwoman Casáls-Muñoz. MOTION PASSED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT.

PZ 5. Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, of the granting of a Variance Permit to allow one LED reader board pylon sign, with one LED display located within the sign and on property located outside the LED geographic area (only allowed within specific geographic area), having a distance of less than 300' radius from residential-zoned properties (minimum distance of 300' radius required) and allow existing setback of 2' (minimum of 10' required). Property located at **4640 Palm Avenue, Hialeah**, zoned C-1 (Restricted Retail Commercial). *Applicant: Benjamin Ocner.* **Item tabled on April 22, 2014 until May 13, 2014**

REPORT: Benjamin Ocner, 4640 Palm Avenue, Hialeah, FL addressed the Council on this item.

Motion to Table item PZ 5 until May 13, 2014 made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Cue-Fuente, MOTION PASSED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT.

FINAL DECISIONS

FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 14-04 that granted adjustments on property located at **929 West 67 Street, Hialeah, Florida**; and providing for an effective date. *Applicants: Secundino & Lydia Gonzalez.* **Item tabled on April 22, 2014 until May 13, 2014.**

REPORT: Applicant was not present.

Motion to Table item FD 1 until May 13, 2014 made by Councilman Hernandez and seconded by Councilwoman Casáls-Muñoz. MOTION PASSED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT.

FD 2. Proposed resolution upholding the final decision of the Planning and Zoning Board, Decision No. 14-05 that granted an adjustment on property located at **425 Southeast 9 Avenue, Hialeah, Florida**; and providing for an effective date. *Applicants: Elier Martin & Yida Martin.* **APPROVED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT. RESOLUTION NO. 2014-57.**

REPORT: Elier Martin, applicant, was present.

Motion to Approve item FD 2 made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Lozano. MOTION PASSED (5-0-2) with Council President Garcia-Martinez and Councilman Caragol ABSENT.

Meeting was adjourned by Council Vice President Gonzalez at 8:05 pm.

NEXT CITY COUNCIL MEETING: May 13, 2014 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: May 27, 2014 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).